

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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JOHN ROBERT SMITH,  
a/k/a Yahye Raheem Hammurabi El Bey,

Civil No. 09-2030 (JRT/JJK)

Petitioner,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

JOAN FABIAN,  
Commissioner, M.D.O.C,

Respondent.

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated October 1, 2009. Based upon the Report and Recommendation of the Magistrate Judge [Docket No. 7], and all of the files, records and proceedings herein, and no objections having been filed to said Report and Recommendation, **IT IS HEREBY ORDERED** that:

1. This action is summarily **DISMISSED WITHOUT PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY**

Dated: October 26, 2009  
at Minneapolis, Minnesota

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge